

## **REMARKS**

Claims 1 and 2 are pending. Claims 1 and 2 have been amended. Reconsideration and reexamination are requested.

Claim 1 has been amended to incorporate some of the limitations from claim 2. Specifically, claim 1 recites, in part, a vehicle frame including longitudinally extending left and right rear side frames and a plurality of crossmembers extended between the rear side frames. Claim 1 also recites, in part, a subframe extending such that it connects to rear side frames that extend longitudinally along right and left sides of a canister and connects to the crossmember, the crossmember extending between the rear side frames along front and rear sides of the canister. Support for this limitation can be found on page 5, lines 20-26.

### **35 U.S.C. §112 Rejections**

Claim 2 has been rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Specifically, the term "practically" was asserted to be vague and indefinite. The examiner's comments have been considered and appropriate correction has been made to claim 2. Claim 2 has been amended to recite a canister arranged above the subframe, higher than the fuel tank, but lower than the floor panel.

### **35 U.S.C. §102(b) Rejections**

Claim 1 has been rejected under 35 U.S.C. 102(b) as being anticipated by Yamada (US 4,805,581, hereinafter "Yamada"). This rejection is respectfully traversed.

Claim 1 requires a vehicle frame including longitudinally extending left and right rear side frames and a plurality of crossmembers extended between the rear side frames. Claim 1 further requires a subframe connected to the front and rear side frames and to a plurality of crossmembers. A space between a front end and a rear end and between right and left ends of the subframe and a canister positioned within the said space are also required.

Yamada discloses two elongated side members 11a and 11b welded to lateral sides of a rear floor panel 9 and extending along the same. *See e.g.* column 2, lines 63-65 and Figure 1. Yamada further discloses a charcoal canister 6 arranged near a suspension 16. *See e.g.* column 3, lines 7-18 and Figure 1. Yamada describes the location of the canister 6 as within a given zone,

which is enclosed by a raised wall part 9a, a laterally extending suspension 16, an exhaust tube 12, and a side member 11a. *See e.g.* column 3, lines 29-32.

The rejection admits that Yamada fails to disclose or suggest crossmembers extending between the rear side frames of the vehicle. Yamada also fails to disclose or suggest a subframe connected to the rear side frames and to the crossmembers. Furthermore, even if the suspension 16 of Yamada can be considered to correspond with the subframe recited in claim 1, a point that applicants do not concede, Yamada fails to disclose or suggest a space for positioning a canister between a front end and a rear end and between right and left ends of the suspension 16. Instead, figures 1 and 2 of Yamada show that the canister 6 is positioned forward of suspension 16. As a result, Yamada does not anticipate claim 1.

### **35 U.S.C. 103(a) Rejections**

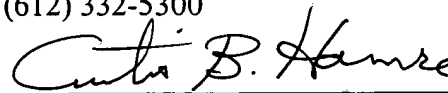
Claim 2 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada in view of Nakajima (US 4,787,643, hereinafter "Nakajima") and further in view of Shirata (US 5,702,125, hereinafter "Shirata"). This rejection is respectfully traversed.

Claim 2 depends from claim 1. Therefore, claim 2 is allowable for at least the same reason as claim 1. Moreover, claim 2 requires the canister to be positioned above the subframe. None of the cited references disclose or suggest a canister positioned above a subframe. Rather, Figure 3 of Nakajima shows a canister 41 positioned forward of the subframe SF. Figures 1 and 2 of Shirata show a canister 6 positioned within a wheel well 12.

In view of the above amendments and remarks, Applicant respectfully requests a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

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